

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
January 18, 2004  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:48 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: Allie Maldonado, General Counsel

Staff Present: See Attached list

Guests: See attached list

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Opening Ceremony: Frank Ettawageshik

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adopt the agenda.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes of January 4, 2004 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve the Budget Survey # 3.

Vote: 3 Yes, 4 No (Councilor Fred Harrington, Jr., Tribal Chairman Frank Ettawageshik, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion failed

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve Budget Survey #1 with corrections to be mailed out to all adult members with a stamped return envelope, funds to come from Tribal Council Supply line item, approve the payment of the 5 cash prizes of \$50 each and approve the date of the Public Budget Hearing as March 6, 2004 at 1:30 p.m.

10:39 a.m. Councilor Rita Shananaquet leaves

10:40 a.m. Councilor Rita Shananaquet returns

10:41 a.m. Councilor Rita Shananaquet leaves

10:41 a.m. Councilor Rita Shananaquet returns

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to increase the Per Cap payment to \$1,000 per Tribal Member for the 2005 Budget.

Vote: 2 Yes, 5 No (Councilor Fred Harrington, Jr., Vice-Chairperson Beatrice A. Law, Tribal Chairman Frank Ettawageshik, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion failed

11:02 a.m. 5-minute recess called

11:12 a.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Administrator's report for January 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve \$11,027 for FY 2003 operating expenses of the Middle Village Park Committee from the General Fund.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to direct the Tribal Administrator for the development of an agreement with the Odawa Institute, to assist the Little Traverse Bay Bands, with preserving the Odawa Language in calendar year 2004. The Agreement will be presented at the Tribal Council meeting February 15, 2004 for review.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank withdrawn to post pone the appropriation of \$10,000 to the availability of the Emergency Assistance until we get the eligibility criteria. Support withdrawn.

Motion dies due to lack of support

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve an appropriation of \$25,000 for Discretionary Emergency Direct Assistance to be managed by the Tribal Administrator.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

11:49 a.m. Public Comment: Andrew Stich, Michele LaCount, Yvonne Sandal, John Keshick, Charles Honson, Jr., Allie Greenleaf Maldonado, Diane Naganashe.

Public Comment closed at 12:00 p.m.

12:00 p.m. lunch recess called until 1:30 p.m.

1:49 p.m. meeting reconvened

1:50 p.m. Councilor Rita Shananaquet arrives

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Chairman's verbal and written report.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to reimburse Secretary Dexter McNamara in the amount of \$50 for a cedar box to care properly for the Migizi Miigwaan.

Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Secretary Dexter McNamara)

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to reschedule the Council Special Work Session at Little River from February 13-14 to February 28-29, 2004.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.) 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law for any Tribal Council Member who would like to attend the Annual National Indian Gaming Association in Albuquerque April 4-7, to include stipend, per diem, mileage and lodging.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Legal Department's oral report as presented by Allie Maldonado.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

2:26 p.m. Secretary Dexter McNamara leaves

2:26 p.m. Councilor Rita Shananaquet leaves

2:30 p.m. Secretary Dexter McNamara returns

2:38 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank for a FY2004 Budget of \$35,000 for the Fund Raising Contribution Plan, the timing and payments and the distribution will be left to the Chairman's discretion.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Trust Fund Quarterly Report as presented by Carol Jeffers Board Chair.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to accept the verbal and written report for Economic Development Commission's Quarterly Report as presented by Cheryl Kishigo, Commission Chair.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

3:20 p.m. Councilor Fred Harrington, Jr., leaves

3:22 p.m. Councilor Fred Harrington, Jr., returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Gaming Administration's verbal and written report as given by Sherry Patton, Chairperson, January 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

3:56 p.m. Councilor Rita Shananaquet leaves

4:00 p.m. Recess called

4:10 p.m. Councilor Rita Shananaquet returns

4:05 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that we accept the Housing Commission's, Quarterly Report as presented by Ray Kiogima, January 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Indian Child Welfare Commission's report as presented by Chairperson Rochelle Ettawageshik, January 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to accept the Natural Resource Commission's Quarterly Report as presented by Chairperson, John Keshick.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

4:49 p.m. Public Comment: Diane Naganashe, John Keshick, Doug Craven, Beverly Wemigwase

4:57 p.m. Public Comment closed.

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Gaming Regulatory report as presented by Julie Shananaquet, Chairperson and Regulatory Director, Vince Cook, January 18, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law for the Gaming Regulatory Commission to return to Tribal Council with more defined information on the proposal presented by Vince Cook, Regulatory Director, dated January 18, 2004 regarding MICS.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., that the Regulatory Department employees be under the supervision of Tribal Administrator Albert Colby until the new Regulatory Statute and Ordinances are completed.

Vote: 4 Yes, 3 No (Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to clarify the role of Tribal Council at Commission, Committees and Board meetings as observers and not participants.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

5:58 p.m. recessed called

6:02 p.m. meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to appoint Allen Kesick to the Housing Commission, to fill the remainder of the term of Terri Jiimicum.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve the grant request for \$4,650 to the Boyne Area Title Seven Anishinaabe Education Consortium, to come from the Small Grants line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to donate \$5,000 to the Michigan Citizens for Water Conservation to support litigation to prevent Nestle from removing water from the Great lakes Water Shed. Additionally to direct the Legal Department to file an amicus brief in support of Michigan Citizens for Water Conservation during the Nestle appeal of the ruling to stop removing water from the Great Lakes Water Shed, to come from the donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to donate \$5,000 to the local Unity Group to attend the 28<sup>th</sup>, National Unity Conference at the Gila River Indian Community in Arizona on June 25 to 29, to come from the Donations line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #011804-01 Request for Funding from the Bureau of Justice Assistance Office of Justice Programs, United States Department of Justice Fiscal Year 2004 Tribal Courts Assistance Program.

Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #011804-02 Request for Funding from the Bureau of Justice Assistance Office of Justice Programs, U.S. Dept of Justice for Fiscal, 2004 Indian Alcohol and Substance Abuse Program.

Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-absent, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve Burial Fund Request #A0064 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve Burial Fund Request #A0065 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to license Image Quest Active Wear to use the Tribal Logo on items for distribution and sale until December 31, 2007.

Vote: 5 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 1 Abstained (Vice-Chairperson Beatrice A. Law)

Motion Carried

7:24 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to go into Executive Session for legal.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

7:37 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to return to open session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that we authorize Tribal Council Legal Department to represent those named in the suit filed by Katherine Wysocki.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

7:39 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adjourn.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

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Dexter McNamara, Tribal Secretary

Date